

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER SHELLY BEARD,) No. 14 SR 2334
STAR No. 6064, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1050000)

FINDINGS AND DECISION

On or about August 7, 2014, the Superintendent of Police suspended Police Officer Shelly Beard, Star No. 6064, for ten (10) days for violating the following Rule of Conduct:

Rule 6: Disobedience of an order or directive, whether written or oral.

On August 22, 2014, Officer Beard filed with the office of the Police Board a memorandum requesting Police Board review of this suspension and delineating specific reasons for which the review is requested.

The Executive Director of the Police Board assigned this matter to Hearing Officer Thomas E. Johnson. Hearing Officer Johnson reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the recommendations of Command Channel Review and the Chief of the Bureau of Internal Affairs, Officer Beard's memorandum, and Hearing Officer Johnson's report. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer Shelly Beard, Star No. 6064, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On 10 November 2011, in Calumet City, Illinois, Officer Beard failed to properly secure her weapon, a Ruger P89M 9 mm. 3” pistol bearing serial number 30602628, by placing it under the rear seat of her personal vehicle, which resulted in the theft reported under Chicago Police Department General Offense Case Report HT588646 and Calumet City Police Department Incident Report Number 11-44879.

It is undisputed that on November 10, 2011, Officer Beard left her weapon in a gun box under the rear seat of her SUV, covered by some bags and a blanket, when she went into the River Oaks Shopping Center in Calumet City to shop with her son who has special needs. She believes she locked the car. After shopping, she drove home and left the car in her attached garage. The next day she could not find the gun and reported it stolen to the Calumet City and Chicago police. There was no damage to her vehicle or evidence of a forced entry. She told the Calumet City police that one of the rear doors to her vehicle may have been unlocked. In the statement Officer Beard gave to Internal Affairs, she admits she was in violation of the Department directive by failing to properly secure her weapon.

2. The Police Board has considered the facts and circumstances of Officer Beard’s conduct, and her complimentary and disciplinary histories.

There is no explanation in the record as to why the one-day suspension recommended by the investigator and the members of command channel review was increased to three days by the Chief of the Bureau of Internal Affairs and then to ten days by the Superintendent. The Board finds that the ten-day suspension is unwarranted. Based on the nature of the misconduct and because

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Officer Beard has no prior disciplinary history, the Board finds that a one-day suspension is a justified penalty on the facts of this particular case.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By a vote of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board sustains the allegation that Police Officer Shelly Beard violated Rule 6.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer Shelly Beard from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of one (1) day.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Shelly Beard, Star No. 6064, for a period of ten (10) days is **reduced to a period of one (1) day**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, SBEARD OF ILLINOIS, THIS 20th DAY OF NOVEMBER, 2014.

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Attested by:

/s/ DEMETRIUS E. CARNEY
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police